

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

SP-3

**Journal
des débats
(Hansard)**

SP-3

**Standing Committee on
Social Policy**

**Comité permanent de
la politique sociale**

Pay Transparency Act, 2018

Loi de 2018
sur la transparence salariale

3rd Session
41st Parliament

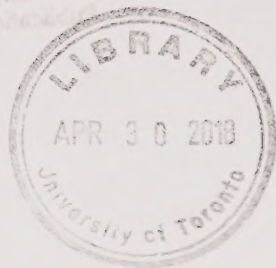
Monday 23 April 2018

3^e session
41^e législature

Lundi 23 avril 2018

Chair: Peter Tabuns
Clerk: Jocelyn McCauley

Président : Peter Tabuns
Greffière : Jocelyn McCauley



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Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



ISSN 1710-9477

Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 23 April 2018

Lundi 23 avril 2018

*The committee met at 1400 in room 151.*PAY TRANSPARENCY ACT, 2018
LOI DE 2018
SUR LA TRANSPARENCE SALARIALE

Consideration of the following bill:

Bill 3, An Act respecting transparency of pay in employment/ Projet de loi 3, Loi portant sur la transparence salariale.

The Chair (Mr. Peter Tabuns): Good afternoon, committee members. I'm calling this meeting to order—

Mr. John Yakabuski: Good afternoon, Chair.

The Chair (Mr. Peter Tabuns): Good afternoon, sir—for clause-by-clause consideration of Bill 3, An Act respecting transparency of pay in employment. Catherine Oh from legislative counsel is here to assist us with our work. Thank you, Catherine. We'll do our best.

A copy of the numbered amendments received on Thursday, April 19, 2018, is on your desk. The amendments have been numbered in the order in which they appear in the bill.

A reminder that as per the order of the House dated April 11, 2018, at 4:30 p.m., those amendments which have not yet been moved shall be deemed to have been moved, and the Chair will interrupt proceedings and, without further debate, put every question necessary to dispose of all remaining sections of the bill and any amendments. During this time, one 20-minute waiting period shall be permitted, pursuant to standing order 129(a).

Are there any questions from committee members before we start? There are none. Good.

I just wanted to say to start off here that we'll be making an administrative change to the amendment package. NDP amendment 1 deals with the preamble. Preambles are typically dealt with after all the sections of the bill have been considered. Therefore we'll postpone consideration of NDP amendment 1 and begin with NDP amendment 2. Ms. Sattler.

Ms. Peggy Sattler: I move that the bill be amended by adding the following section:

“Purpose

“Purpose

“0.1 The purpose of this act is to protect and promote women's fundamental right to receive pay free of sex discrimination by requiring employers to disclose information about the pay structure and wage grids in

each establishment, disaggregated in the manner detailed in this act.”

The Chair (Mr. Peter Tabuns): Any commentary?

Ms. Peggy Sattler: Yes, Chair. This was an amendment that was brought to this committee by the Equal Pay Coalition; the Ontario Human Rights Commission; a number of the labour organizations that were supporting the Equal Pay Coalition's submission, including the Association of Ontario Midwives, the Ontario Federation of Labour, the Ontario Nurses' Association, OPSEU, UFCW, Business and Professional Women Ontario clubs etc.; and other presenters who appeared before the committee who emphasized the importance of including a purpose in the bill to articulate the core principle of the bill, which they believe—and I agree—will assist in interpreting the provisions of the bill.

The Chair (Mr. Peter Tabuns): Other comment? Mr. Colle.

Mr. Mike Colle: I recommend voting against this motion, because a purpose statement of an act should reveal the purpose of the legislation and draw attention to the principles and policies that should inform the interpretation of the act. The motion does not put forward an appropriate purpose clause for the act, as the act is broader than just gender in employer reporting and uncovering instances of pay discrimination.

Furthermore, the language in this clause makes reference to potential elements of reporting requirements, i.e. pay structure and wage grids, which have not yet been developed and consulted on. Government motion number 8 proposes to add a purpose clause that is aligned with the policy intent of the bill.

The Chair (Mr. Peter Tabuns): Any other commentary? You're ready for the vote?

Ms. Peggy Sattler: Can I have a recorded vote?

The Chair (Mr. Peter Tabuns): A recorded vote is requested.

Ayes

Sattler.

Nays

Colle, Dhillon, Fraser, Hoggarth, McMeekin.

The Chair (Mr. Peter Tabuns): The motion is lost. We then go to NDP motion 3. Ms. Sattler.

Ms. Peggy Sattler: I move that the definition of “board” in section 1 of the bill be struck out.

The Chair (Mr. Peter Tabuns): Any comments?

Ms. Peggy Sattler: Later on, I will be moving a number of amendments that will make the Pay Equity Commission responsible for enforcement of the bill and remove the enforcement authority from the Ontario Labour Relations Board. Therefore, there would be no need to include a definition of “board” in the definitions section of the bill.

Again, this was an amendment that was recommended by the Equal Pay Coalition and the organizations that supported the Equal Pay Coalition’s submission. It was also brought to us by Catalyst because of the Pay Equity Commission’s expertise in systemic pay discrimination. Therefore, it is important that any complaints about the application of the pay transparency provisions be adjudicated by the Pay Equity Commission rather than the Ontario Labour Relations Board.

The Chair (Mr. Peter Tabuns): Thank you. Any other comments? Mr. Colle.

Mr. Mike Colle: I recommend voting against this motion because this motion would remove the definition of “board” and the act would no longer apply to the Ontario Labour Relations Board.

Additional New Democratic motions, numbers 13, 14, 15, 16, 18 and 19, propose that the Pay Equity Commission would replace the functions of the board with respect to dealing with reprisal complaints and reviews of notices of contravention under the act. Implementation of compliance and enforcement mechanisms by the Pay Transparency Act, 2018, was considered during the development of the women’s economic empowerment strategy. Given that the bill is broader than inequity and broader than gender, it was deemed appropriate that reprisal complaints and reviews of notices of contravention would be undertaken by the Ontario Labour Relations Board.

The pay and workforce transparency initiative will focus on disclosure, while the Pay Equity Commission will continue to enforce and deal with complaints under the Pay Equity Act.

The Chair (Mr. Peter Tabuns): Any further discussion?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Peter Tabuns): Okay, recorded vote requested. We’ll go to the vote.

Ayes

Sattler.

Nays

Colle, Dhillon, Fraser, Hoggarth, McMeekin.

The Chair (Mr. Peter Tabuns): The motion is lost. We then go to NDP motion number 4. Ms. Sattler.

Ms. Peggy Sattler: I move that section 1 of the bill be amended by adding the following definition:

“‘Commission’ means the Pay Equity Commission of Ontario; (‘Commission’)”

The Chair (Mr. Peter Tabuns): Would you like to speak to that?

Ms. Peggy Sattler: Yes, I would. I will be moving subsequent amendments to provide some oversight and administration of this bill through the Pay Equity Commission of Ontario. It is important that the Pay Equity Commission be involved in the administration of this bill. As I mentioned before, the Ontario Labour Relations Board does not have the body of experience that the Pay Equity Commission has gained over 30 years.

There are already existing processes within the Pay Equity Commission to issue orders for non-disclosure, there is an expedited process for addressing complaints without reprisals, and the officers at the Pay Equity Commission are experienced in the matters that will be dealt with by this legislation.

The Chair (Mr. Peter Tabuns): Any further commentary? Mr. Colle.

Mr. Mike Colle: Yes. It’s much the same rationale as the previous one. We recommend voting against it because, in essence, this bill is broader than pay equity and broader than gender. That’s why we oppose this motion.

The Chair (Mr. Peter Tabuns): Further discussion? Seeing none, are people ready for the vote?

Ms. Peggy Sattler: Recorded vote.

Ayes

Sattler.

Nays

Colle, Dhillon, Fraser, Hoggarth, McMeekin.

The Chair (Mr. Peter Tabuns): NDP motion 4 is lost.

We go to NDP motion 5. Ms. Sattler.

Ms. Peggy Sattler: I move that section 1 of the bill be amended by adding the following definition:

“‘employment status’ means the nature of an employee’s employment, including,

“(a) whether the employee works full-time, part-time or casual hours,

“(b) whether an employee has permanent, temporary, seasonal or casual status, and

“(c) whether the employee is employed by a temporary help agency for the purpose of being assigned to perform work on a temporary basis for clients of the agency; (‘situation d’emploi’)”

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The Chair (Mr. Peter Tabuns): Commentary?

Ms. Peggy Sattler: Yes. This amendment would provide some clarity for employers about their reporting obligations. This is something that the committee heard

repeatedly from a number of the deputants who spoke to the legislation, including the Human Resources Professionals Association.

This amendment also aligns the Pay Transparency Act with Bill 148 and the new requirements in the Employment Standards Act to extend equal pay for equal work provisions to part-time, casual and seasonal workers, as well as employees of temporary help agencies.

The Chair (Mr. Peter Tabuns): Further commentary? Mr. Colle.

Mr. Mike Colle: Since this amendment would provide a lengthy definition of employment status, which is unnecessary—the definition of “employee” as defined in the Employment Standards Act is already included and would cover the proposed amendment. Therefore, I recommend voting against this motion.

The Chair (Mr. Peter Tabuns): Any further commentary? Ms. Sattler?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested. You’re ready to vote.

Ayes

Sattler.

Nays

Colle, Dhillon, Fraser, Hoggarth.

The Chair (Mr. Peter Tabuns): The motion is lost.

We then go to vote on the section, as a whole. You’re ready for the vote? Shall section 1 carry? It is carried.

We then go to section 2. I have no amendments. Is there any debate on section 2? There’s none. I will go to the vote. Shall section 2 carry? It is carried.

We go to NDP motion 6. Ms. Sattler.

Ms. Peggy Sattler: I move that the bill be amended by adding the following section:

“Application, employers

“2.1(1) Subject to subsection (3), this act applies to every employer that has at least 10 employees.

“Same, employees

“(2) Subject to subsection (3), this act applies with respect to an employee if,

“(a) the employee’s work is to be performed in Ontario; or

“(b) the employee’s work is to be performed in Ontario and outside Ontario but the work performed outside Ontario is a continuation of work performed in Ontario.

“Vendors of record

“(3) This act applies to every vendor of record who provides goods or services to one or more ministries under a procurement arrangement, and applies with respect to each of their employees.”

The Chair (Mr. Peter Tabuns): Any discussion? Ms. Sattler?

Ms. Peggy Sattler: Yes, Chair. Certainly, we heard from almost every presenter who spoke to this committee about the importance of expanding the application of this bill to a much broader range of employers. We know that 95% of workplaces in this province have fewer than 100 employees. Therefore, to make the act apply only to firms with more than 100 employees would exclude the vast majority of workplaces in this province.

This amendment, by applying the act to every employer with at least 10 employees, makes this legislation consistent with the Pay Equity Act, which must apply to all employers both public and private with workplaces that have more than 10 employees.

The other provisions of this bill ensure that the pay equity reporting requirements and other provisions of the bill apply to employers who are contracted under provincial procurement arrangements and also to provincial vendors of record who may not be Ontario firms.

The Chair (Mr. Peter Tabuns): Further commentary? Mr. Colle.

Mr. Mike Colle: Again, to remind the committee: The vast majority of workers, employees in this province—the vast majority—work for medium and large businesses that would be covered by this act. I recommend against this motion because currently sections 4, 5 and 7 already apply to all employers. Only section 6 applies to any prescribed employer.

Limiting the application of the act to employers with 10 or more employees would undermine sections 4, 5 and 7. With this amendment, employers with less than 10 employees would not have to comply with the compensation history, compensation range, information and anti-reprisal provisions.

We agree with the proposal to increase the scope of pay reporting provisions, which is why we are proposing government motion number 10, to have those mechanisms apply to employers with 100-plus employees. In that motion, we have also ensured that the minister will retain the ability to further expand the provisions to apply to smaller employers in the future.

The Chair (Mr. Peter Tabuns): Any further discussion? There being none, we’ll go to the vote—

Ms. Peggy Sattler: Oh, recorded vote, please.

The Chair (Mr. Peter Tabuns): Thank you.

Ayes

Sattler.

Nays

Colle, Dhillon, Fraser, Hoggarth.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go then to NDP motion number 7. Ms. Sattler.

Ms. Peggy Sattler: I move that the bill be amended by adding the following section:

“Conflict

"2.2(1) Subject to subsection (2), if a provision in an act or regulation purports to require or authorize conduct that is a contravention of this act, this act applies and prevails unless the act or regulation specifically provides that it is to apply despite this act.

"Abrogation

"(2) Nothing in this act abrogates from the obligations or enforcement provisions set out in the Employment Standards Act, 2000, the Pay Equity Act or the Human Rights Code."

The Chair (Mr. Peter Tabuns): Any discussion?

Ms. Peggy Sattler: Yes, Chair. I believe that this amendment is important to expand upon the purpose of the Pay Transparency Act, to ensure that the Pay Transparency Act will take precedence over other potentially conflicting legislative or regulatory obligations, and also to help clarify the relationship between the Employment Standards Act, the Pay Equity Act and the Human Rights Code, and this new Pay Transparency Act.

The Chair (Mr. Peter Tabuns): Is there further discussion on this matter? Mr. Colle.

Mr. Mike Colle: Yes, Mr. Chairman, thank you. These provisions are unnecessary and do not need to be stated. The bill would not prohibit employees from asserting their existing rights under the ESA, PEA or Human Rights Code. Therefore, I propose voting against this motion.

The Chair (Mr. Peter Tabuns): Further discussion?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested.

Ayes

Sattler.

Nays

Colle, Dhillon, Fraser, Hoggarth, McMeekin.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to section 3. I have no amendments. Is there any debate on section 3? There is none. We'll go to the vote. Shall section 3 carry? It is carried.

We then go to government motion number 8. Mr. Colle.

Mr. Mike Colle: Section 3.1 of the bill: I move that the bill be amended by adding the following section immediately before the heading "Compensation History":

"Purposes of the act

"3.1 The purposes of this act are,

"(a) to promote gender equality and equal opportunity in employment and in the workplace, including equality of compensation between women and men, through increased transparency of pay and workforce composition;

"(b) to increase disclosure of inequities related to employment and compensation that women and other Ontarians may experience in the workplace to encourage

the removal of such inequities to promote the full and equal participation of women and other groups in the workplace;

"(c) to promote, amongst employers, the elimination of gender and other biases in hiring, promotion, employment status and pay practices;

"(d) to support open dialogue and workplace consultation between employers and employees on issues concerning employment, compensation and equal opportunity; and

"(e) to support economic growth through the advancement of equity in employment and in the workplace for women and other groups."

I so move.

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The Chair (Mr. Peter Tabuns): Any discussion? I hear none. You're ready to go to the vote? All those in favour of government motion 8, please indicate. All those opposed? It is carried.

We then go to section 4 and NDP motion 9. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 4(4) of the bill be struck out and the following substituted:

"Use of information

"(4) Where an applicant has made a disclosure of compensation history information described in subsection (2) or the employer has obtained information described in subsection (3), the employer shall not consider or rely on the compensation history or information in a way that undermines an applicant's right to receive pay that is free of discrimination."

The Chair (Mr. Peter Tabuns): Any discussion?

Ms. Peggy Sattler: Yes, Chair. Currently, the way that the act is written, employers who have obtained information about compensation history are allowed to use that information to determine compensation. So the prohibition in the act on employers asking applicants about their prior wages is potentially undermined by not making clear that the employer must not consider the information about past compensation that may be available.

In particular, this is relevant because of the sunshine list. We know that people are named on the sunshine list, and their compensation history is publicly available on the sunshine list. That means that the people who are on the sunshine list—their compensation history could be used by employers, because that history is publicly available, to determine a pay scale that is not free of discrimination.

The Chair (Mr. Peter Tabuns): Any other discussion? Mr. Colle.

Mr. Mike Colle: I recommend voting against this motion because section 4 of the bill currently provides that an employer cannot seek the compensation history of an applicant by any means, which includes asking questions about the compensation history of job applicants or contacting the applicant's previous employers.

Section 4 excludes compensation history that is publicly available, because preventing employers from

conducting searches of publicly available information would be unenforceable. The proposed motion is likewise too broad and consequently could be very difficult to enforce. That's why I recommend voting against this motion.

The Chair (Mr. Peter Tabuns): Okay. Any further discussion? I see none.

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested.

Ayes

Sattler.

Nays

Colle, Dhillon, Fraser, Hoggarth.

The Chair (Mr. Peter Tabuns): The motion is lost.

We then go to the section as a whole. Any debate on the section as a whole? There being none, shall section 4 carry? Carried.

That takes us to section 5. There are no amendments. Any debate on section 5? There being none, shall section 5 carry? Carried.

We then go to government motion number 10. Mr. Colle.

Mr. Mike Colle: I move that subsections 6(1), (2) and (3) of the bill be struck out and the following substituted:

"Pay transparency reports

"(1) Every employer with 100 or more employees and every prescribed employer shall collect the prescribed information for the purposes of preparing, no later than May 15 each year, a pay transparency report that complies with the requirements in the regulations and that contains the prescribed information relating to the employer, the employer's workforce composition and differences in compensation in the employer's workforce with respect to gender and other prescribed characteristics.

"First report, employer with 250 or more employees

"(1.1) An employer with 250 or more employees shall submit the first pay transparency report no later than May 15, 2020.

"First report, employer with 100 or more employees

"(1.2) An employer with 100 or more employees but fewer than 250 employees shall submit the first pay transparency report no later than May 15, 2021.

"Submission of report

"(2) An employer who is required to prepare a pay transparency report under subsection (1) shall submit it to the ministry in accordance with any prescribed requirements.

"Posting

"(3) An employer who is required to prepare a pay transparency report under subsection (1) shall post it online or in at least one conspicuous place in every

workplace of the employer where it is likely to come to the attention of employees in that workplace."

I so move.

The Chair (Mr. Peter Tabuns): Any discussion? Ms. Sattler.

Ms. Peggy Sattler: Again, I want to emphasize that 95% or 98% of workplaces in this province have fewer than 100 employees, and we are excluding with this requirement a vast number of workplaces in Ontario.

The other concern I have is that we heard very clearly from deputants that the information that is required in a pay transparency report is available at the press of a button. It's simply providing data that all employers maintain on their payroll spreadsheets. To phase this requirement in as if it is an onerous burden is unnecessary because this is information that should be easily obtainable right now from any employer in the province.

The Chair (Mr. Peter Tabuns): Any further discussion? Mr. Colle.

Mr. Mike Colle: I just want to remind the committee that the majority of employees in the province of Ontario work for medium and larger businesses. That is over 72% of all employees in this great province, who work for medium and large businesses, who would be covered by this threshold of 100. So the vast majority of Ontario workers would be covered by this provision.

The Chair (Mr. Peter Tabuns): No further discussion? We will go to the vote.

All those in favour of government motion 10, please indicate. Opposed? It is carried.

We then go to government motion 11. Mr. Colle.

Mr. Mike Colle: I move that subsection 6(4) of the bill be amended by striking out "may" and substituting "shall".

The Chair (Mr. Peter Tabuns): Any further discussion? There being none, we will go to the vote.

All those in favour of government motion 11, please indicate. All those opposed? It is carried.

We would then go to NDP motion number 12, but I have to make a ruling here—

Interjection.

The Chair (Mr. Peter Tabuns): Ah, my apologies. Yes. If you would proceed: NDP motion 12.

Ms. Peggy Sattler: I move that section 6 of the bill be struck out and the following substituted:

"Pay transparency reports

"6(1) Every employer shall prepare an annual pay transparency report with respect to the 12-month period that ends on March 31 of the year.

"Contents of report

"(2) The pay transparency report shall contain information relating to the employer, the employer's workforce composition, the employer's pay structure, differences in compensation in the employer's workforce with respect to prescribed characteristics and the following information with respect to gender:

"1. The annual individual compensation of male employees of the employer, categorized by classification and employment status.

"2. The annual individual compensation of female employees of the employer, categorized by classification and employment status.

"3. If employees' compensation is expressed as an hourly rate, the hourly wage rate and the annual compensation of male employees of the employer, categorized by classification and employment status.

"4. If employees' compensation is expressed as an hourly rate, the hourly wage rate and the annual compensation of female employees of the employer, categorized by classification and employment status.

"5. The number of steps in any pay range for a classification and employment status used by the employer.

"6. Information respecting the rate of progression through any pay range for a classification and employment status.

"Other prescribed information

"(3) The pay transparency report shall contain such further information as may be prescribed.

"Submission of report

"(4) Every employer shall submit the pay transparency report with respect to the 12-month period that ends on March 31 of a year to the ministry by May 15 of that year in accordance with any prescribed requirements.

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"Access to report

"(5) Every employer shall,

"(a) provide the annual pay transparency report to their employees after it is submitted to the ministry; and

"(b) on request from an employee, provide the employee with a copy of its previous pay transparency reports without charge.

"Posting

"(6) Every employer shall post the pay transparency report online or in at least one conspicuous place in every workplace of the employer where it is likely to come to the attention of employees in that workplace.

"Publication

"(7) The ministry shall publish, or otherwise make available to the public, the pay transparency reports submitted under subsection (4).

"Internet publication

"(8) Authority to publish under subsection (7) includes authority to publish on the Internet."

The Chair (Mr. Peter Tabuns): Thank you, Ms. Sattler. I'm ruling this amendment out of order, as it is inconsistent with the decision which the committee has given upon a former amendment.

Ms. Peggy Sattler: Thank you.

The Chair (Mr. Peter Tabuns): Sorry.

Then we go to the vote on section 6 as a whole. Any further debate on section 6? There is none. Shall section 6, as amended, carry? It is carried.

We then go to NDP motion 13. Ms. Sattler.

Ms. Peggy Sattler: Section 7 of the bill: I move that section 7 of the bill be amended by striking out "the board" wherever it appears and substituting in each case "the commission".

The Chair (Mr. Peter Tabuns): Thank you, Ms. Sattler. This motion was dependent on a previous motion that was lost, motion number 4. I therefore rule the amendment out of order.

Thus, we have section 7 before us. Is there any debate on section 7? There being none, shall section 7 carry? It is carried.

We then go to section 8. Is there any debate on section 8, as there is no amendment? There is none. We will go to the vote. Shall section 8 carry? It is carried.

Section 9 has no amendment. Any debate on section 9? There being none, shall section 9 carry? It is carried.

We have sections 10 and 11. We have no amendments. I'll bundle them together. Any debate on either of them? There being none, shall sections 10 and 11 carry? Carried.

Then we go to section 12 and NDP motion 14. Ms. Sattler.

Ms. Peggy Sattler: Subsection 12(6) of the bill: I move that subsection 12(6) of the bill be amended by striking out "the board" wherever it appears and substituting in each case "the commission".

The Chair (Mr. Peter Tabuns): Thank you. Unfortunately, again, the motion is dependent on a previous motion which was lost. I therefore rule the amendment out of order.

We go, then, to the section as a whole, section 12. Any debate on section 12? There being none, we go to the vote. Shall section 12 carry? It is carried.

We then go to section 13, and we have NDP motion 15. Ms. Sattler.

Ms. Peggy Sattler: I move that section 13 of the bill be amended by,

(a) striking out "the board" wherever it appears and substituting in each case "the commission"; and

(b) striking out "the board's" in clause (6)(a) and substituting "the commission's".

The Chair (Mr. Peter Tabuns): Thank you. With that, I have to say that this motion is dependent on a previous motion which was lost. I therefore rule the amendment out of order.

We then go to the section as a whole, section 13. Any debate on section 13? There being none, we'll go to the vote. Shall section 13 carry? Done.

We then go to section 14 and NDP motion 16. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 14(1) of the bill be amended by striking out "the board" and substituting in each case "the commission".

The Chair (Mr. Peter Tabuns): Thank you, Ms. Sattler. Unfortunately, again, this motion is dependent on a previous motion which was lost. I therefore rule the amendment out of order.

We go, then, to section 14 as a whole. Is there any debate on section 14? There is none. We'll go to the vote. Shall section 14 carry? It is carried.

We then go to section 15 and government motion 17. Mr. Colle.

Mr. Mike Colle: I move that subsection 15(2) of the bill be amended by striking out “order” and substituting “notice”.

The Chair (Mr. Peter Tabuns): Any discussion? None? We’ll go to the vote. All those in favour of government motion 17, please indicate. Opposed? It is carried.

Then we go to the section as a whole. Any debate on section 15? There being none, shall section 15, as amended, carry? It is carried.

We go to section 16. There is no amendment. Any debate on section 16? There is none. We’ll go to the vote. Shall section 16 carry? It is carried.

We then go to section 17 and NDP motion 18. Ms. Sattler.

Ms. Peggy Sattler: I’m going to withdraw this amendment because I suspect it will be declared out of order.

The Chair (Mr. Peter Tabuns): Thank you. Given that it is out of order, we then go to NDP motion 19.

Ms. Peggy Sattler: I’m also going to withdraw this amendment because I suspect it will be declared out of order.

The Chair (Mr. Peter Tabuns): Okay. Motion 19 is withdrawn. That leaves us with section 17 with no amendments. Is there any debate on section 17? There is none. We’ll go to the vote. Shall section 17 carry? It is carried.

Section 18: There is no amendment. Is there any debate on section 18? There is none. We’ll go to the vote. Shall section 18 carry? It is carried.

We then go to government motion number 20. Mr. Colle.

Mr. Mike Colle: I move that section 19 of the bill be amended by adding the following clause:

“(e.1) governing the collection, use, disclosure, storage and reporting of information in connection with a requirement to prepare pay transparency reports under subsection 6(1);”

The Chair (Mr. Peter Tabuns): Any discussion? There is none. We’ll go to the vote. All those in favour of government motion 20, please indicate. Opposed? It is carried.

We then go to NDP motion 21. Ms. Sattler.

Ms. Peggy Sattler: I move that clause 19(g) of the bill be struck out.

The Chair (Mr. Peter Tabuns): Any discussion? Ms. Sattler.

Ms. Peggy Sattler: Yes. This is a very concerning clause. It would give government the regulatory authority to exempt virtually any employer from the requirements of the act. “Class of employer” can encompass size, sector, pretty much any characteristic of an employer. Therefore, it is far too broad, and we believe that it must be completely removed from the bill.

The Chair (Mr. Peter Tabuns): Thank you. Any further discussion? Mr. Colle.

Mr. Mike Colle: I’m happy to agree with the third party in supporting this motion because we are proposing

the exact same amendment. Therefore, we’ll support this motion put forward by the third party and we’re glad to do so.

The Chair (Mr. Peter Tabuns): Any further discussion? With that, we’ll go to the vote. All those in favour of NDP motion 21. Opposed? It is carried.

Then we go to government motion 22. Mr. Colle.

Mr. Mike Colle: Yes, thank you.

The Chair (Mr. Peter Tabuns): Is this the one you said was identical?

Mr. Mike Colle: Yes. We’re withdrawing this.

The Chair (Mr. Peter Tabuns): Okay. Number 22 is withdrawn.

Is there any further debate on section 19? There is none. We’ll go to the vote. Shall section 19, as amended, carry? It’s carried.

We have sections 20, 21 and 22 with no amendments. I propose to bundle them together. Any objection?

Shall sections 20, 21 and 22 carry? They are carried.

We then go to the preamble, which is NDP motion number 1. Ms. Sattler.

Ms. Peggy Sattler: I move that the bill be amended by adding the following preamble:

“Preamble

“Whereas women’s right to equality without discrimination is recognized in the Universal Declaration of Human Rights as proclaimed by the United Nations;

“And whereas women’s right to equality without discrimination in employment and women’s right to equal pay for work of equal value are recognized in the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action, the Durban Declaration and Programme of Action, the Convention on the Rights of Persons with Disabilities as proclaimed by the United Nations, and both Convention 100—Equal Remuneration Convention, 1951 and Convention 111—Discrimination (Employment and Occupation) Convention, 1958 as proclaimed by the International Labour Organization;

“And whereas the gender pay gap continues to discriminate against and impoverish women in the province;

“And whereas it is desirable to take proactive action to enhance compliance with employers’ existing legal obligations to deliver discrimination-free pay;

“Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:”

The Chair (Mr. Peter Tabuns): Thank you, Ms. Sattler. Unfortunately, I’m ruling this amendment out of order as it seeks to amend the bill to include a preamble. Bosc and Gagnon note that if a bill is without a preamble, the committee may not introduce one after second reading. Was it a preamble? But it’s not in order.

We’ll then go to the remaining items.

Shall the title of the bill—

Mr. Mike Colle: Can I have a recorded vote on the next three items, please?

The Chair (Mr. Peter Tabuns): Absolutely, sir.

Mr. Mike Colle: Thank you.

Ayes

Colle, Fraser, Hoggarth, McMeekin, Sattler.

The Chair (Mr. Peter Tabuns): It's carried.
Shall Bill 3, as amended, carry? Recorded vote.

Ayes

Colle, Fraser, Hoggarth, McMeekin, Sattler.

The Chair (Mr. Peter Tabuns): It is carried.
Shall I report Bill 3, as amended, to the House?

Ayes

Colle, Fraser, Hoggarth, McMeekin, Sattler.

The Chair (Mr. Peter Tabuns): It is carried.
With that, members of the committee, we're done.
Adjourned.

The committee adjourned at 1443.

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